

Page 1

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

| | |
|-----------------------------|------------------------------|
| LAURA McKNIGHT, TRISHA | * |
| TURNER, ANDREW BAKER, | * |
| RACHAEL FREEDMAN, KIMBERLY | * |
| McCRAY, and MARGO MORENO, | * |
| | * |
| Plaintiffs, | * |
| | * |
| V. | * Civil Action No. H-09-3345 |
| | * |
| D. HOUSTON, INC. D/B/A | * |
| TREASURES, A.H.D. HOUSTON, | * |
| INC. D/B/A CENTERFOLDS, | * |
| D N.W. HOUSTON, INC. D/B/A | * |
| GOLD CUP, D. RANKIN, INC. | * |
| D/B/A TROPHY CLUB, D WG FM, | * |
| INC. D/B/A SPLENDOR, W.L. | * Jury Trial Demanded |
| YORK, INC. D/B/A COVER | * |
| GIRLS, AND, IN THEIR | * |
| INDIVIDUAL CAPACITIES, ALI | * |
| DAVARI and HASSAN DAVARI, | * |
| | * |
| Defendants. | * |
| | * |

ORAL DEPOSITION OF
RACHAEL FREEDMAN
MAY 13, 2010
Volume 1

ORAL DEPOSITION of RACHAEL FREEDMAN, produced as a witness at the instance of the Defendants, and duly sworn, was taken in the above-styled and numbered cause on May 13, 2010, from 3:06 p.m. to 4:09 p.m., before Connie Koenig, RPR and CSR No. 6577 in and for the State of Texas, reported by stenographic method, at Shellist Lazarz, L.L.P., 3/D International Building, 1900 West Loop South, Suite 1910, Houston, Texas 77027, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record attached hereto.

1 APPEARANCES:

2 FOR THE PLAINTIFFS:

3 MR. MARTIN A. SHELLIST
 4 SBOT No. 00786487
 Shellist Lazarz, L.L.P.
 5 3/D International Building
 1900 West Loop South, Suite 1910
 6 Houston, Texas 77027
 7 713/621-2277

8 FOR THE DEFENDANTS:

9 MR. ALBERT VAN HUFF
 10 SBOT No. 24028183
 Monshaugen & Van Huff, P.C.
 11 1225 North Loop West, Suite 640
 Houston, Texas 77008
 713/880-2992

12 MS. LAUREN M. SERPER
 13 SBOT No. 18032100
 Attorney at Law
 14 3405 Edloe, Suite 200
 Houston, Texas 77027
 15 713/278-9398

1 THE REPORTER: Stipulations?
 2 MR. SHELLIST: Same stipulations as the
 3 other ones.

4 THE REPORTER: Signature?
 5 MR. SHELLIST: Read and sign.
 6 RACHAEL FREEDMAN,
 7 having been first duly sworn, testified as follows:

8 EXAMINATION

9 BY MR. VAN HUFF:

10 Q. Good afternoon, Ms. Freedman. My name is Al
 11 Van Huff. I'm an attorney and I represent Treasures and
 12 the other clubs and individuals that are Defendants in
 13 this case.

14 We're here today to take your deposition.
 15 It should be about an hour-and-a-half or two-hour
 16 process. What it consists of is me going over the
 17 allegations that you made in your lawsuit, the answers
 18 to interrogatories and the declaration that you signed
 19 that's attached to the motion for notice for class
 20 members in this case. Okay?

21 A. Uh-huh.

22 Q. A few things. Was that a yes?

23 A. That was a yes.

24 Q. Okay. The Court Reporter here is going to be
 25 making a transcript of the questions that I ask and your

1 INDEX

| | |
|--|----|
| Appearances | 2 |
| Stipulations | 4 |
| RACHAEL FREEDMAN | |
| Examination by Mr. Van Huff | 4 |
| Examination by Mr. Shellist | 47 |
| Signature and Changes | 50 |
| Reporter's Certificate | 52 |
| EXHIBITS | |
| 1 Signed Copy of Treasures' Tipping Policy | 41 |

1 answers to the questions. And it's very difficult for
 2 her to transcribe answers like uh-huh and uh-uh. So one
 3 of the things that I'll ask that you do is, when I ask
 4 you a question that's a yes-or-no question, just answer
 5 yes or no instead of going uh-huh or uh-uh. Okay?

6 A. Yes.

7 Q. All right. And another thing that I'll ask is
 8 that, if you don't understand a question, let me know.
 9 Otherwise the jury, the Judge and myself are all going
 10 to assume you understood the question that I asked.

11 Do you understand?

12 A. Correct. I understand.

13 Q. Why were you terminated from Treasures?

14 MR. SHELLIST: Object to the form.

15 But you can answer it.

16 A. I wasn't terminated from Treasures.

17 Q. (BY MR. VAN HUFF) Why did your employment stop
 18 with Treasures?

19 A. I believe it stopped because they asked me to
 20 pay on a tab that was being charged back, and I told
 21 them I could not pay the money at that time, that I
 22 would make it in payments. And then about three days
 23 later they said I needed to lose 20 pounds or something
 24 before I came back to work. And I just never went back.

25 Q. So it didn't have anything to do with adding

| | |
|--|--|
| <p style="text-align: right;">Page 6</p> <p>1 zeros to tabs?</p> <p>2 A. No.</p> <p>3 Q. And to tip amounts on tabs?</p> <p>4 A. Zeros to tabs? I know nothing about that.</p> <p>5 Q. Did anyone ever ask you about that at 6 Treasures?</p> <p>7 A. No.</p> <p>8 Q. When was the last time you talked to Laura 9 McKnight?</p> <p>10 A. Whenever the beginning of this lawsuit was.</p> <p>11 Q. What did y'all talk about?</p> <p>12 A. She asked me -- she told me she was upset, felt 13 like her rights had been violated and did I feel the 14 same way. And if I did, I could give Marty a call.</p> <p>15 Q. How do you feel like your rights have been 16 violated?</p> <p>17 A. I feel like the 5 percent that was taken off 18 the tabs, our credit card tabs. I don't feel like I was 19 compensated for my hours, every hour that I worked. I 20 don't feel like I was compensated for spillage, walked 21 tabs.</p> <p>22 Q. What do you think was unlawful about the 23 5 percent that the club retained from your credit card 24 tips?</p> <p>25 A. That was -- what was that supposed to cover?</p> | <p style="text-align: right;">Page 8</p> <p>1 Q. More than 20?</p> <p>2 A. More than 20.</p> <p>3 Q. More than a thousand?</p> <p>4 A. Could be in the ballpark of a thousand.</p> <p>5 Q. Your testimony here today under oath is that 6 you weren't compensated for as many as a thousand 7 hours --</p> <p>8 A. I said it could be. That was the word, could 9 be. I don't have an exact calculation for you.</p> <p>10 Q. Well, isn't it true that's not even within the 11 realm of possibility, a thousand hours?</p> <p>12 A. Why is that?</p> <p>13 Q. Because of the number of hours you worked and 14 the number of hours it reflects you were paid on your 15 payroll documents.</p> <p>16 A. But are those payroll documents accurate?</p> <p>17 Q. My question is, isn't it true that a thousand 18 hours is outside of the range of possibility?</p> <p>19 A. I'm not sure if it is or not.</p> <p>20 Q. You don't know?</p> <p>21 A. That's right.</p> <p>22 Q. Okay. So you're just saying whatever comes to 23 mind?</p> <p>24 MR. SHELLIST: Objection; it's 25 argumentative.</p> |
| <p style="text-align: right;">Page 7</p> <p>1 Q. I'll be asking the questions today.</p> <p>2 A. That was my tip --</p> <p>3 Q. I'm asking you, why was that unlawful?</p> <p>4 A. Because that was my money.</p> <p>5 Q. The 5 percent was your money? That's the only 6 answer you have to that question?</p> <p>7 MR. SHELLIST: Object to the form.</p> <p>8 But you can answer it.</p> <p>9 A. That's the answer I have for the question.</p> <p>10 Q. (BY MR. VAN HUFF) Okay. And how are you 11 saying you weren't paid for the hours you were working?</p> <p>12 A. A lot of times I would be having a missing time 13 card. It would just disappear. My checks would not be 14 correct.</p> <p>15 Q. And --</p> <p>16 A. My W-2 was incorrect.</p> <p>17 Q. During the course of your employment, how many 18 hours are you claiming that you were shorted?</p> <p>19 A. I'm not sure of that calculation of the hours.</p> <p>20 Marty is going to add that all up.</p> <p>21 Q. You don't know how many hours sitting here 22 today, but your attorney knows?</p> <p>23 A. I haven't calculated it.</p> <p>24 Q. Is it less than ten hours?</p> <p>25 A. No. It's more than ten.</p> | <p style="text-align: right;">Page 9</p> <p>1 Just answer his questions --</p> <p>2 A. I don't know what the hours are, okay? So what 3 I'm saying is it's more than ten, it's more than 20, and 4 I don't have an exact number for you is what I'm saying.</p> <p>5 Q. (BY MR. VAN HUFF) How much money are you 6 claiming Treasures owes you?</p> <p>7 A. Whatever the law says that I'm supposed to get.</p> <p>8 Q. The maximum the law allows, like the Jim Adler 9 commercial?</p> <p>10 MR. SHELLIST: Object to the form.</p> <p>11 THE WITNESS: You're funny.</p> <p>12 MR. SHELLIST: Why are you being 13 argumentative with her?</p> <p>14 THE WITNESS: You're real funny today.</p> <p>15 MR. VAN HUFF: Because I think she's got 16 an argumentative attitude, Marty.</p> <p>17 MR. SHELLIST: Then let's not go that 18 direction. I feel like it started that way. Y'all can 19 spend the time --</p> <p>20 THE WITNESS: Well, you --</p> <p>21 MR. SHELLIST: Hold on. Wait for a 22 question, answer it the best you can. We'll go from 23 there. Go ahead.</p> <p>24 Q. (BY MR. VAN HUFF) Are you claiming that you 25 were ever employed by Centerfolds?</p> |

Page 10

1 A. No.
 2 Q. Are you claiming you were ever employed by Gold
 3 Cup?
 4 A. No.
 5 Q. Are you claiming you were ever employed by
 6 Trophy Club?
 7 A. No.
 8 Q. Are you claiming you were ever employed by
 9 Splendor?
 10 A. No.
 11 Q. Are you claiming you were ever employed by
 12 Cover Girls?
 13 A. No.
 14 Q. You are, however, claiming you were employed by
 15 Treasures?
 16 A. Yes.
 17 Q. What were the dates of your employment with
 18 Treasures?
 19 A. 2006 -- I think it was February of '06 to May
 20 of '08.
 21 Q. And what was your position with Treasures?
 22 A. Cocktail waitress.
 23 Q. And how many hours would you work a week? What
 24 was the range?
 25 A. I'd say between 26 to 40.

Page 11

1 Q. Have you ever given a deposition before?
 2 A. No.
 3 Q. Have you ever been a plaintiff in a lawsuit
 4 before?
 5 A. No.
 6 Q. Ever been a defendant in a lawsuit before?
 7 A. No.
 8 Q. Ever been a witness in a lawsuit before?
 9 A. No.
 10 Q. Have you ever been arrested?
 11 A. Yes. One time.
 12 Q. For what?
 13 A. Disturbing the peace.
 14 Q. Were you convicted?
 15 A. No.
 16 Q. Where was that?
 17 A. Vegas. Las Vegas, Nevada.
 18 Q. Very generally speaking, what were the
 19 circumstances?
 20 A. Just being loud in a hotel.
 21 Q. Would you ever work over 40 hours a week for
 22 Treasures?
 23 A. No.
 24 Q. How were you compensated for the time you
 25 worked?

Page 12

1 A. Paycheck and credit card tips and cash tips.
 2 The 2.13 an hour was on the paycheck.
 3 Q. Was it 2.13 an hour the entire time you worked
 4 there?
 5 A. Correct. Yes.
 6 Q. What's your current address?
 7 A. 1640 East TC Jester, No. 227, Houston, Texas
 8 77008.
 9 Q. And your TDL is 18322276?
 10 A. Uh-huh. Yes.
 11 Q. What were your duties as a cocktail waitress?
 12 A. Serve drinks, take care of credit card tabs,
 13 close out tabs, bottle service, seat people, basically
 14 wait on customers.
 15 Q. Have you worked for any other topless clubs?
 16 A. No -- oh, yeah, I did. I take that back.
 17 Q. Colorado?
 18 A. No, I didn't work at Colorado. Ritz for, like,
 19 two days.
 20 MR. SHELLIST: Rick's?
 21 THE WITNESS: Ritz, R-i-t-z. I think it's
 22 The Ritz. It's off of 45 south and somewhere going
 23 towards Galveston, on the south side.
 24 Q. (BY MR. VAN HUFF) Do you have an explanation
 25 as to why your information sheet that you filled out

Page 13

1 before you worked at Treasures indicates you worked at
 2 Colorado for a short time?
 3 A. I was hired there but I didn't ever go back.
 4 Q. What was S-P-O-A-S Sports Bar?
 5 A. In San Diego.
 6 Q. How do you say that, Spoas?
 7 A. I don't remember the name of it now. It's been
 8 so long ago.
 9 Q. Was that a topless bar?
 10 A. No. And I only worked there for a short period
 11 of time.
 12 Q. So it's your understanding your separation of
 13 employment from Treasures was that you quit, not that
 14 you were terminated?
 15 A. The way it happened was I was -- my
 16 understanding was I was told to pay a tab, let's say on
 17 like a Thursday. Then that Monday Bill told me that I
 18 need to lose 20 pounds before I can come back to work.
 19 And he said, "Just give me a call." And I told them at
 20 the time about the tab. "I can't pay it back today."
 21 They even went so far as asking me to
 22 write a letter. They called me -- after they told me to
 23 lose 20 pounds -- called me up, asked me, "Can you write
 24 a letter because the customer said that he did not make
 25 these charges?" And he was a customer I waited on a

1 lot. So they asked me to write a letter that it
 2 wasn't -- he said it wasn't him. Somebody stole his
 3 card. They asked me to write a letter stating where he
 4 sat, who the dancers were, all this stuff. This is
 5 after I had left working there, two weeks later.

6 I took the letter up there and gave it to
 7 them. So if I was terminated, I don't think they would
 8 be calling me to write a letter.

9 Q. Okay. So after you left your employment for
 10 Treasures, they called you because a customer claimed
 11 an individual claimed that his credit card was used
 12 fraudulently at the club?

13 A. Like he didn't come into the club. Somebody
 14 else must have had his card and made these charges
 15 there.

16 Q. But you were the waitress that served him. So
 17 they asked you to come in and give a statement that it
 18 was actually him?

19 A. Right.

20 Q. Got it.

21 A. To type up a letter and bring it up to the
 22 club.

23 Q. Who called you and asked you to do that?

24 A. Joe, the manager Joe.

25 Q. Who told you to lose 20 pounds?

1 A. Bill.

2 Q. What were the circumstances on the tab they
 3 wanted you to pay?

4 A. The circumstances were that he had two dancers,
 5 and they charged him a considerable amount of money --
 6 don't remember the tab total -- but he was claiming that
 7 it was not him.

8 Q. Is that the same tab --

9 A. Yeah, the letter for.

10 Q. -- they had you make the statement about?

11 A. Yeah.

12 Q. Another thing that I didn't cover about when
 13 we're doing the questions and answers -- I'm not trying
 14 to be difficult about this. We have to be careful not
 15 to talk over each other because she has a hard time
 16 keeping track of who's saying what.

17 A. Okay.

18 Q. So was it the customer's credit card?

19 A. Yes.

20 Q. The customer matched the credit card?

21 A. Yes. ID and the credit card were matching,
 22 yes.

23 Q. So at the end of your shift, you signed the
 24 credit card and you received your tip off that tab and
 25 everything less the 5 percent and everything was fine?

1 A. Correct.

2 Q. And then at some later date they told you that
 3 he was disputing the tab and that you were going to have
 4 to pay back something?

5 A. Uh-huh. He left. Okay. Then about a week
 6 later -- this is before I had left Treasures. I was
 7 still working there. About a week later they said that
 8 I needed to pay back these charges -- not I need to pay
 9 back, that he's disputing the charges, and that we were
 10 probably going to have to pay back our amount, me and
 11 the dancers. They asked me to pay it back. I said, "I
 12 cannot pay back the amount right now. I don't have it."

13 Q. How much was the amount?

14 A. I want to say it was in the ballpark of a
 15 thousand dollars that I would be responsible for paying
 16 back.

17 Q. How much was the tab itself, approximately?

18 A. Usually --

19 Q. Just for the drinks. A few hundred dollars for
 20 drinks, \$2,000 for topless dancers and \$1,000 for you?

21 A. Yes. That sounds about right.

22 Q. Did you ever have to pay back the thousand
 23 dollars?

24 A. I was going to but then two days later or three
 25 days later, somewhere in that ballpark, Bill came to me

1 and told me I needed to lose the 20 pounds. That's when
 2 I stopped working because I was not allowed to work.

3 And then about a week and a half, two
 4 weeks later, that's when I got the phone call about "Can
 5 you write this letter explaining the incident with that
 6 customer and that credit card?" And I never went back
 7 to Treasures after that. I wrote the letter, took it up
 8 there and that was it.

9 Q. Did Bill tell you "Don't come back to work
 10 until you lose 20 pounds"? Is that what he said?

11 A. Basically, yes.

12 Q. Was there any controversy over this tab we're
 13 talking about as far as somebody adding a zero to the
 14 end of all the numbers on the tab?

15 A. No. That I was aware of, no.

16 Q. So it was your impression that the issue with
 17 the tab wasn't the numbers on the tab but it was that
 18 someone other than the cardholder opened the tab?

19 A. Correct.

20 Q. Now, do you remember the name of the
 21 individual?

22 A. I think the last name was Freeman, actually.

23 That's why it sticks out in my head, because it's
 24 spelled exactly like my last name without the "D." And
 25 I can't remember his first name. I can probably find

1 out for you because I still talk to one of the dancers.

2 Q. Which dancer?

3 A. I don't remember her dance name right now.

4 Q. What's her actual name?

5 A. Michelle.

6 Q. What's her last name?

7 A. I don't know her last name. _____

8 Q. Do you know her phone number?

9 A. Not on me, not at the time.

10 Q. What does she look like?

11 A. Short. I think she's a half-white, half-black
12 girl.

13 MR. SHELLIST: Why don't you leave a blank
14 in the depo for the contact information and we can look
15 that up.

16 MR. VAN HUFF: Okay.

17 MR. SHELLIST: I mean, if you want to keep
18 asking about a description, that's fine. That would
19 be --

20 MR. VAN HUFF: I think that about covers
21 the description. I don't know what else I can ask
22 about, brown hair, dark eyes --

23 THE WITNESS: Dark hair.

24 Q. (BY MR. VAN HUFF) Other than what people told
25 you, do you know anything about any of the policies,

1 Q. Okay. And which club was that?

2 A. That was at Gold Cup.

3 Q. Okay. Other than what people told you, do you
4 have any knowledge of the policies and procedures at
5 Centerfolds?

6 A. None of the other clubs, I don't.

7 Q. And your only experience at Gold Cup was one
8 time as a customer?

9 A. We went there a couple times.

10 Q. Who's "we"?

11 A. Me and a few friends.

12 Q. What were the names of the friends?

13 A. Kevin Alexander, a guy named Antoine, and I
14 can't think of his last name right now. That's it.

15 Q. Were these individuals -- when did you go to
16 Gold Cup?

17 A. It was at least over a year ago. I can't think
18 of the exact date.

19 Q. Was it while you were employed at Treasures?

20 A. There was a couple times I went when I was
21 employed at Treasures and then sometimes thereafter. So
22 both before and after my employment.

23 Q. You said spillage was another complaint that
24 you have?

25 A. Yes.

1 practices and procedures at Centerfolds, Gold Cup,
2 Trophy Cup, Splendor or Cover Girls, which are the five
3 clubs other than Treasures involved in this case?

4 A. I know what I saw myself when I went to Gold
5 Cup as a customer.

6 Q. Okay.

7 A. Same tab sheet setup. Same \$5 extra on the
8 credit card. Same girls paying -- dancers paying to get
9 into the club, just like at Treasures.

10 Q. Okay.

11 A. Same exact -- basically a mold of Treasures at
12 Gold Cup when I went there.

13 Q. Okay. You mean as far as the way the place
14 looked or just the fact the dancers were apparently
15 paying \$5 out of their \$25 credit card charge to the
16 club and that the slips looked the same?

17 A. I never said \$5 out of the \$25. I meant like a
18 door entrance fee --

19 Q. Okay.

20 A. -- is what I was talking about. And actually
21 the dancers -- my friend got dances from a dancer there,
22 and he paid \$20 cash. And my other friend got dances
23 and he paid with a credit card and paid \$25 on the
24 credit card. So there was a difference in price whether
25 you paid cash or credit.

1 Q. Tell me about that, please.

2 A. If you got six drinks and they were \$10 each
3 and you went to the table, and let's say you were on
4 your way with a tray and somebody knocked into you, you
5 had already paid for those drinks out of your bank,
6 which basically is your own money. And if they knocked
7 them all over, you would have to go get another round of
8 drinks, and you would be responsible for paying for the
9 ones that fell on the floor.

10 Q. And how many instances of spillage -- I'm not
11 talking about --

12 A. Per incident?

13 Q. -- per tray, okay -- are you alleging occurred
14 during your employment with Treasures?

15 A. I can say that it at least happened once a
16 week. Whether or not there would be one drink when it
17 happened or six, that varied.

18 Q. During the entire time you worked there, was it
19 always the case that you weren't reimbursed for
20 spillage?

21 A. Usually the -- there might have been one or two
22 times that I think I did get a spill ticket or something
23 like that, but then they would say that they couldn't do
24 that. The majority of the time -- other than two or
25 three times, I had to pay for it.

Page 22

Page 24

1 Q. How much do you think you're owed for spillage?
 2 A. I don't know an exact number.
 3 Q. Less than a thousand dollars' worth of drinks?
 4 A. Yeah. I mean, not less than 500 but not more
 5 than a thousand.
 6 Q. Walked tabs, credit card charge-backs, you're
 7 claiming both, correct?
 8 A. Uh-huh. Yes, I am claiming both.
 9 Q. Tell me about your claim that -- with regard to
 10 walked tabs, please.
 11 A. If you've got a group of people, sit them at a
 12 table -- the club's pretty big. Sometimes you might
 13 have to wait in line to get their drinks -- go back to
 14 the table with their drinks and they have since left,
 15 you have paid for the drinks out of your own pocket and
 16 they're gone. So now you've paid and there's nobody to
 17 pay you.
 18 Q. Now, if these were individuals that had opened
 19 a credit card tab, then would you be able to charge the
 20 drinks to the credit card tab and get credit for it even
 21 if they disappeared without closing their tab?
 22 A. Usually with the first round of drinks, you
 23 don't know if they were going to pay cash or credit. So
 24 you went and got the drinks and came back and you would
 25 say, "The total is \$50. Do you want to pay cash or

Page 23

Page 25

1 credit?"
 2 Then if you got a credit card -- now, if
 3 they left after you got that credit card, then, of
 4 course, you can just charge it on there. At the end of
 5 the night the manager would do it for you. But you
 6 didn't just sit them down, "Can I have a credit card,"
 7 because they might have been paying cash.

8 Q. So it wasn't the policy that the waitresses
 9 were to ask the patrons upon approaching them the first
 10 time whether they were going to pay cash or credit?

11 A. No. Not when you first sat them down and got
 12 their drink order. When you brought back the drinks,
 13 "Do you want to pay cash or credit? This is the total."

14 Q. Now, if you perceived that there were some
 15 risks involved in taking an order from someone and then
 16 having them disappear while you were filling their
 17 order, why wouldn't you ask them yourself if they were
 18 going to be opening up a credit card tab or paying cash
 19 and then obtaining payment from them upon receipt of
 20 their order?

21 A. Because I don't perceive risk from people
 22 within meeting them for 20 seconds.

23 Q. But statistically, apparently, it was a risky
 24 proposition for you because sometimes the people would
 25 disappear, right?

1 A. Sometimes.
 2 Q. Did anyone ever instruct you that you were not
 3 to ask them whether they were starting a credit card tab
 4 or a cash -- paying cash upon first greeting them at
 5 their table?
 6 A. When I was trained, that's how I was told to do
 7 it.
 8 Q. Okay.
 9 A. The way that I said I did it, sit them down,
 10 take the drink order, go get the drinks, come back,
 11 "Total's \$50. Cash or credit?" Obtain payment at that
 12 time.
 13 Q. Now, were you ever able to recycle any of the
 14 drinks for patrons who you lost contact with after they
 15 placed their order?
 16 A. You mean like resell it to another person?
 17 Q. Right. Like sometimes a lot of people order
 18 Miller Lite. So if you sell a guy Miller Lite and you
 19 go and he's not there anymore and you take it back and
 20 you ask the bartender to stick it in the ice, and five
 21 minutes later somebody else orders one and you take it
 22 to them?
 23 A. Maybe on the beers but on the mixed drinks, no,
 24 because it would come watered down.
 25 Q. So how much per month do you think you were no

1 being properly reimbursed for walked tabs?
 2 A. Are you asking for a dollar amount?
 3 Q. Yes. And it can be a range.
 4 A. Per month, about 100 to 150.
 5 Q. Okay. Credit card charge-backs, you're
 6 claiming you were the victim or suffered damages due to
 7 credit card charge-backs?
 8 A. Uh-huh.
 9 Q. Yes?
 10 A. Yes. I'm sorry. That's a habit of mine.
 11 Q. Can you explain that, please.
 12 A. I was instructed to pay back on credit card
 13 tabs that were supposedly disputed by the customer, and
 14 I was told to put it in a white envelope and to give it
 15 to David.
 16 Q. David?
 17 A. Davari. This happened on two occasions. And
 18 then the third time it was going to happen with that
 19 last tab that I told you the customer's last name was
 20 Freeman, but I didn't ever pay it back because I didn't
 21 ever go back.
 22 Q. Now, please tell me about the first occasion.
 23 A. I don't remember the exact reason why they said
 24 that the tab got disputed. I was just told by Bill that
 25 I need to make a payment to David. And I put the money

1 in an envelope. He said it had to be cash, not money
 2 order, no check, nothing, just cash in the envelope and
 3 gave it to David. I went to David's office upstairs,
 4 the VIP area, and I gave it to him one night whenever he
 5 came in, after midnight or something like that.

6 Q. Now, on both of those instances, on the evening
 7 that the person ran up a problematic tab, at the end of
 8 that shift, were you paid your tip on that tab?

9 A. Yes.

10 Q. Because that's what you were being asked to
 11 repay at some point later on down the road?

12 A. Correct.

13 Q. Were there ever any instances where you did not
 14 receive -- strike that.

15 Setting aside the 5 percent that you're
 16 claiming was unlawfully withheld from your credit card
 17 tabs, was there ever an instance where at the end of
 18 your shift you didn't receive your tips that you were
 19 entitled to for that night?

20 A. Yes. There was instances where they would hold
 21 tabs, sometimes for 90 days, to make sure that they did
 22 not get disputed. Or sometimes they would run out of
 23 money, actual cash, and they would give you a paper and
 24 you could get it a couple days later, the next day,
 25 whenever you were going to come in again.

1 unusual. I mean, once a week you might get a tab that's
 2 about a thousand-dollar tip. Like if I worked four
 3 nights, probably three out of the four I'd make 400 or
 4 between 3 and 500, and then that fourth night or
 5 something I might make a thousand.

6 Q. Okay. So other than the thousand dollars that
 7 we think happened around 2007 and the 1200 that we think
 8 happened somewhere in 2008 and then the Mr. Freeman
 9 incident, were there any other issues or incidents that
 10 relate to credit card charge-back tips that needed to be
 11 paid back to the club?

12 A. No, as far as I'm concerned. But I know
 13 several others that paid back.

14 Q. Okay. I'm just worried about you.

15 A. Okay.

16 Q. For now.

17 The other instances that you mentioned,
 18 let's visit about those for a minute.

19 A. Okay.

20 Q. What were those again?

21 A. I just know of several girls --

22 Q. No, not the other people. We talked about the
 23 walked tabs, \$150 per month, then we talked about these
 24 occasions of credit card charge-backs.

25 And were there any other issues that had

1 Q. Okay. So let's finish up with the two white
 2 envelope situations that we mentioned before.

3 First one, how much was the amount that
 4 you were required to repay?

5 A. If I remember correctly, it was roughly \$1,000.

6 Q. And did you, in fact, deliver \$1,000 in an
 7 envelope to Mr. Davari?

8 A. Yes, I did.

9 Q. Do you remember the name of the person who had
 10 that tab?

11 A. No, I don't.

12 Q. Do you remember approximately when that
 13 occurred? Safe to say that was in 2006?

14 A. I want to say it was in 2007, but I'm not
 15 exactly positive about that. That's to the best of my
 16 ability to remember right now.

17 Q. And the second one?

18 A. The second one I want to say was in the
 19 beginning of '08.

20 Q. And how much was that?

21 A. About 1200, somewhere between 1,000 and 1200.

22 Q. Was it unusual for you to receive tips to that
 23 high of a degree on one tab?

24 A. I would say on average per night we would make
 25 between 3 and \$500, but there's nights where that's not

1 to do with walked tabs or credit card charge-backs that
 2 you're alleging against Treasures in this case?

3 A. That affect me, no.

4 Q. Okay. Now, I want to visit on the hours thing
 5 again.

6 A. Okay.

7 Q. Because I have taken some other depositions
 8 already in this case, and it's my understanding that
 9 sometimes there were some instances of some time cards
 10 that would disappear. There were some instances of
 11 where people perceived they weren't getting paid for all
 12 the hours that were on their time card, whether
 13 intentionally or whether it was a mistake of the
 14 bookkeeper or whatever the case might be.

15 How many hours do you claim per month that
 16 you were being shorted for your time?

17 A. I would have to, like, sit down and look at a
 18 calendar and see exactly how many months I was there.

19 Q. Was it an issue of them not paying you for half
 20 the time you worked, or was it an issue of not getting
 21 paid for a shift here and there for whatever reason?

22 A. Sometimes it would be three or four days
 23 missing off my check.

24 Q. And what time period would a check cover?

25 A. I think it was every two weeks, if I remember

Page 30

Page 32

1 correctly. I think it was every two weeks. Sometimes
 2 it might be one or two shifts not on there.

3 Q. Did you ever complain to anyone about that?

4 A. Yeah, I did. I complained to Bill. I
 5 complained to Joe, John, Slim.

6 Q. Bill, Beau, John and Slim?

7 A. No. Bill, Joe, John, and there's another
 8 manager named Slim. That's what they call him. I don't
 9 know his real name.

10 Q. Was he actually slim?

11 A. Yeah, he was.

12 MR. SHELLIST: No one's ever called me
 13 "Slim" as a nickname. I just wanted to say that for the
 14 record.

15 MR. VAN HUFF: Wish I could say that.

16 MR. SHELLIST: Off the record for one
 17 second.

18 (A recess was taken.)

19 MR. VAN HUFF: Back on the record.

20 Q. (BY MR. VAN HUFF) Now, aside from your
 21 individual claims in this case as they relate to
 22 Treasures, there were also some claims in the lawsuit
 23 that have to do with something called "joint employers."
 24 All right? And there's a claim that the six clubs --
 25 Treasures, Centerfolds, Gold Cup, Trophy Club, Splendor

1 industry magazine.

2 Q. Are they at the bookstore?

3 A. No.

4 Q. Where are they?

5 A. Probably like in the lobby of Treasures or
 6 something, like on the side. Maybe like where you would
 7 think the Houston Press would be, but it's one of these
 8 magazines.

9 Q. If they weren't in Treasures, would they be
 10 found in the lobby of other places?

11 A. Yeah. They're out and about.

12 Q. So Treasures and these other clubs that are
 13 Defendants, you're saying they all advertise in this
 14 magazine?

15 A. They're all together. It will be one whole
 16 page of the Davari clubs, as I would call it:
 17 Treasures, Splendor, Centerfolds, Gold Cup, and so
 18 forth.

19 Q. Okay. Do you happen to have any examples of
 20 that?

21 A. No. But I can get one for you.

22 Q. Okay. And what exactly is Quest magazine? I
 23 don't really quite understand.

24 A. I think it's one of those industry -- like an
 25 industry magazine is the best way I can describe it.

Page 31

Page 33

1 and Cover Girls -- are joint employers.

2 Now, I've asked this question of all the
 3 Plaintiffs in this case. This isn't a special question
 4 for you.

5 What facts do you know personally that
 6 form the basis for your claim that these six clubs are
 7 joint employers?

8 A. Can you define "joint employers" for me?

9 Q. It is a theory by which clubs -- the
 10 interrelationship between the clubs is so close and
 11 intertwined that they should all be treated as one
 12 employer.

13 A. Well, let's see, they advertise together, like
 14 one whole advertisement with all their clubs.

15 Q. When you say "advertise together," where have
 16 you seen them advertise together?

17 A. Like in those stripper magazines. I can't
 18 think of the name of one of them right now. But there's
 19 some publications out there.

20 Q. Like Houston Press?

21 A. Quest or something like that. No, it wouldn't
 22 be in the Houston Press.

23 Q. What is Quest?

24 A. I think it's one of those magazines. It's all
 25 about this industry. It's kind of like a topless

1 It's got all kinds of stripper of the week at this club.
 2 It's highlighting this girl, this one. It's
 3 advertisement, basically, for topless entertainment.

4 Q. Is this something that you buy or is it free?

5 A. I think some of them you buy like a dollar or
 6 two, and I think some of them are free.

7 And there's a couple other answers I have
 8 for that question for the joint employer.

9 Q. We weren't done yet. We were just talking
 10 about advertising for a minute.

11 So was Quest just a random example, or are
 12 you fairly certain --

13 A. Yeah. I think -- I'm pretty sure that's the
 14 name.

15 MR. SHELLIST: Just make sure he's done
 16 with his question so you don't step on each other.

17 Q. (BY MR. VAN HUFF) Are you fairly certain that
 18 Quest was definitely one where you saw this common
 19 advertisement?

20 A. I believe Quest is the name of it, but I'm not
 21 positive of it. I haven't seen one in a long time.

22 Q. What are some other ones, other magazines?

23 A. I can't think of any of the names right now.

24 Q. Sundowner?

25 A. I don't know that one.

1 Q. I think I have heard of Sundowner before.
 2 Okay. Other than the advertising, what
 3 else?

4 A. Like the one time we ran out of tab sheets at
 5 Treasures and they had borrowed some from I believe
 6 Centerfolds, and it was the exact same tab sheet.

7 Q. Only it said "Centerfolds" at the top?
 8 A. Correct.

9 Q. Or A.H.D. --

10 A. Yeah.

11 Q. -- Houston, Inc., d/b/a Centerfolds instead of
 12 D. Houston, Inc., d/b/a Treasures?

13 A. Exactly.

14 Q. Is that the tab sheet that the customers sign
 15 that acknowledges that dances paid for through the club
 16 are \$25 per dance?

17 A. Yes.

18 Q. Okay. What other facts do you know of in
 19 support of your allegation that the Defendant clubs are
 20 joint employers?

21 A. When I was trying to get my W-2 one time, I
 22 went to the front and asked for it several times. They
 23 couldn't find it. They told me I needed to call the
 24 business office, which is located at Centerfolds, for
 25 all their clubs.

1 Q. Did you actually do that?

2 A. Yeah. I think the lady's name was Glenda -- if
 3 I can remember correctly -- that's in charge of the
 4 business office at Centerfolds that functions for all of
 5 the Davari clubs.

6 Q. So what's your understanding of what Glenda
 7 does?

8 A. What I was told is the business office manager.

9 Q. And you needed to talk to her why?

10 A. Because I never received my income tax form. I
 11 think I had moved, and they didn't have my address
 12 updated or something like that.

13 Q. Okay. Anything else in support of joint
 14 employer?

15 A. Not that I can think -- I mean, other than I
 16 know girls and bartenders that work -- will cover a
 17 shift at Gold Cup and then -- but they really work at
 18 Treasures, but they'll go over there if they're
 19 shorthanded.

20 Q. Now, is your knowledge of that based strictly
 21 on what other people have told you?

22 A. Yes.

23 Q. Okay. Anything else?

24 A. No.

25 Q. Now, there's a very similar allegation made by

1 you in your lawsuit which is that the six clubs
 2 constitute a single integrated business enterprise,
 3 which is very similar in theory to joint employer
 4 status. Okay?

5 A. Okay.

6 Q. Now, the things that you just said in support
 7 of your allegation for joint employer are also things
 8 that -- facts that I think would, in your mind, support
 9 your allegation for single business enterprise.

10 Is that fair to say?

11 A. Yes, it is.

12 Q. So other than the things we've already covered,
 13 are there any additional facts that you have that go to
 14 support the single integrated business enterprise
 15 allegation?

16 A. No. It's about the same.

17 Q. Okay. Now we're going to start at the
 18 beginning and go through everything again. I'm just
 19 kidding.

20 MR. SHELLIST: But more nicely.

21 Q. (BY MR. VAN HUFF) 5 percent that was deducted
 22 from your credit card tips, we have covered that, right?

23 A. Yes.

24 Q. We have covered the issue of unpaid hours?

25 A. Yes.

1 Q. We have covered the issue of spillage? Yes?

2 A. Yes.

3 Q. And we have covered the issue of walked tabs,
 4 right?

5 A. Yes.

6 Q. Now, when we initially started talking, I asked
 7 you what exactly you were complaining about with regard
 8 to your employment with Treasures, and you listed those
 9 four items.

10 A. Yes.

11 Q. Are there any other things that you can think
 12 of now since we have been talking for a while that come
 13 to mind that you allege Treasures did unlawfully with
 14 regard to you and your employment there?

15 A. Does my W-2 -- there was a discrepancy with my
 16 W-2 where -- does that go under unpaid hours or wage
 17 discrepancy?

18 Q. Regardless of what the category is, if there's
 19 something you were unhappy about that you think is
 20 included in your lawsuit, now is the time for you and I
 21 to talk about it.

22 So what was the problem with your W-2?

23 A. They were putting, like, everything on there,
 24 including the stuff like -- where they took the
 25 5 percent, where I tipped out on.

Page 38

1 Q. You're saying -- so it's your allegation that,
 2 although they were subtracting 5 percent from your
 3 credit card tips, that they were including that amount
 4 in your gross income on your W-2? Is that what you are
 5 saying?

6 A. Yes. And then they only took out -- I
 7 submitted my income tax forms. I don't know if you have
 8 them or not. They only took out like \$68 or somewhere
 9 in that ballpark for the entire year when I claimed
 10 zero.

11 Q. Okay. So you claim that they weren't
 12 withholding as much money as they should from your
 13 wages?

14 A. Yes. That's what I believe.

15 Q. So, therefore, when you filed your tax return,
 16 you would have to pay the IRS instead of getting a
 17 refund?

18 A. Correct. I think I paid \$800 that year.

19 Q. However, during the year period, you got the
 20 benefit of having that money rather than having already
 21 paid it to the IRS, correct?

22 A. But I didn't really have all that money because
 23 they took 5 percent of it, and I tipped out 15 percent,
 24 and I had to tip the managers, which I haven't talked
 25 about that issue yet.

Page 39

1 Q. We're going to get there.

2 A. Maybe I don't understand what you're asking me.

3 Q. Okay. Well, one of the things you complained
 4 about with regard to your W-2 is that your employer
 5 wasn't taking out enough money to cover your taxes at
 6 the end of the year.

7 A. Yes.

8 Q. Now -- but you acknowledge that, rather than
 9 paying the IRS way ahead of time, that you got the
 10 advantage of having that money every pay period to use
 11 as you saw fit? You could set it aside and put it in
 12 the bank and get interest on it and then take the money
 13 less the interest and pay the IRS, or you could pay the
 14 IRS the money ahead of time and not get the interest on
 15 it, right?

16 A. I would rather they take it out so I don't have
 17 to be responsible for that.

18 Q. However, the fact that they weren't taking
 19 enough out really didn't cause you to suffer any damages
 20 because you would owe the same amount of money in taxes
 21 at the end of the year anyway, right?

22 A. I don't know. I'm not a tax person. That
 23 stuff really confuses me. But my tax person told me
 24 that it was something really weird going on with the way
 25 they did my stuff. If you want to call him -- I don't

Page 40

1 know. This has been a couple years ago, maybe three
 2 years ago. Honestly, I think I submitted the form. You
 3 can take a look. It's very confusing but it doesn't add
 4 up right.

5 Q. Okay. Now, were you reporting your cash tips
 6 to Treasures?

7 A. 95 percent of my stuff was credit card. If it
 8 was anything over like \$20, I reported it.

9 Q. Okay. What about the money less than \$20?

10 A. I didn't report that.

11 Q. Why?

12 A. Usually I had to buy a pair of pantyhose or
 13 something that night anyway, so it went towards work
 14 expenses.

15 Q. So at the end of the year when you filed your
 16 tax return, did you report that money as additional
 17 income that wasn't reported on your W-2 to the
 18 government?

19 A. I can't recall if I did or not. You have the
 20 tax returns, though.

21 Q. Well, if you didn't, then that would be
 22 unreported gross income, correct?

23 MR. SHELLIST: Object to the form.

24 To the extent you know the answer to that,
 25 you can answer it.

Page 41

1 A. I mean, I don't know if it would be or not.

2 Q. (BY MR. VAN HUFF) If you don't report income,
 3 then it's unreported income, correct?

4 A. I guess so.

5 Q. You seemed anxious to talk about managers.

6 A. There's something I thought about.

7 Q. I'm correct in saying -- I'm correct when I say
 8 that it was Treasures' policy that waitresses weren't
 9 required to tip managers, right?

10 A. Actually, it was the opposite. It was
 11 Treasures' policy that you are required to tip managers.

12 Q. Okay. Why don't you tell me the facts that you
 13 are personally aware of in support of that allegation.

14 A. When I was trained there and I was told by the
 15 managers that you have to tip out, it's 10 percent after
 16 you tip out everybody else. So whatever you have on
 17 you, whatever money you have at the end of the night,
 18 after you have given the 5 percent to the club, the
 19 15 percent to the bar, then whatever you have left,
 20 10 percent is what you are supposed to give to the
 21 manager.

22 (Freedman Exhibit No. 1 was marked.)

23 Q. (BY MR. VAN HUFF) I'm going to hand you a
 24 document that I am marking as Exhibit 1. Actually,
 25 first I'm going to hand it to your lawyer because he

1 wants to look at it.

2 MR. SHELLIST: Do you have any idea when
3 this was? Or you're going to ask her, perhaps.

4 MR. VAN HUFF: I don't know.

5 A. You want me to explain this to you?

6 Q. (BY MR. VAN HUFF) No. First I want you to
7 admit that's your signature on that document.

8 A. Yeah, that's my signature.

9 Q. And you signed that when you were hired at
10 Treasures?

11 A. I guess I did. I don't recall signing this.

12 But if you have my signature there, I guess I did.

13 Q. And do you acknowledge that that document
14 reflects the fact that it was Treasures' policy that
15 tipping of managers was 100 percent voluntary?

16 A. That's what this paper says, but that's not
17 what the case was whatsoever.

18 Q. Okay.

19 A. I mean --

20 MR. SHELLIST: Answer his question the
21 best you can and that's it. You don't need to add a
22 bunch of stuff unless you're asked.

23 Q. (BY MR. VAN HUFF) So who told you that tipping
24 managers was not, in fact, voluntary and that you were
25 required to do it?

1 A. All the waitresses that worked there, the one
2 that trained me. Aki is her name. I don't know if she
3 still works there or not. Bill on several occasions
4 stopped me at the front door, "Where's my tipout?" with
5 his hand out when I was leaving at the end of the night.

6 Q. Okay. Anyone else?

7 A. The other ones would sit there, like, waiting
8 for you to tip. They weren't as aggressive but he was
9 the most where he would just walk up to you and ask
10 directly.

11 Q. How many managers were usually on duty per
12 shift?

13 A. It was usually between two and three, depending
14 on the night.

15 Q. Are you claiming that you were paying each
16 manager 10 percent?

17 A. No. One of them would stand at the front,
18 collect the money, and then they were supposed to split
19 it amongst the other managers that were on duty.

20 Q. Are there any other facts that you haven't
21 already discussed with me regarding this issue of your
22 paying a percentage of your tips to managers?

23 A. No. Other than everybody is aware of it there.
24 It's common practice.

25 Q. Have you ever talked to Trisha Turner regarding

1 this lawsuit?

2 A. Only on a conference call with Marty.

3 MR. SHELLIST: If it's with a lawyer,
4 don't go into the content of it.

5 A. No. Not solely.

6 Q. (BY MR. VAN HUFF) Okay. Are you on Facebook?
7 A. Yes, I am.

8 Q. Are you Facebook friends with any of the other
9 Plaintiffs?

10 A. No.

11 Q. Did you know that Laura McKnight and Margo
12 Moreno are Facebook friends?

13 A. They probably are. Actually, some of my
14 friends are friends with Margo but not Laura or anybody
15 else.

16 Q. Have you ever talked about this lawsuit on
17 Facebook?

18 A. No.

19 Q. I don't personally have a Facebook account, so
20 it's a mystery to me as to what goes on.

21 Have you ever talked to Mr. Baker about
22 this lawsuit, Andrew?

23 A. No.

24 Q. Other than --

25 A. No, not at all, actually, with him. With or

1 A. No.

2 Q. In the declaration that was attached to your
3 motion of notice to class members, it says, "I paid back
4 contested credit card charges in cash on at least one
5 occasion during the time I worked for Treasures."

6 A. It was twice.

7 Q. It says at least once. So this conforms with
8 what you said earlier --

9 A. I'm not familiar with that document. That's
10 all.

11 Q. Okay. Well, here. I'll hand you a copy of it,
12 but I don't think we can mark it as an exhibit right
13 now.

14 MR. SHELLIST: What is that? Is that the
15 declaration?

16 MR. VAN HUFF: Yeah.

17 MR. SHELLIST: We have that.

18 A. Is that what you're reading from?

19 Q. (BY MR. VAN HUFF) Yeah.

20 A. I thought you were reading from one of these.
21 Okay. I apologize for that.

22 (Ms. Serper leaves.)

23 Q. (BY MR. VAN HUFF) So you say here you paid
24 back contested credit card charges on at least one
25 occasion during the time you worked for Treasures.

1 That's about three-quarters of the way down on the
2 second page.

3 A. Yes, I see it here.

4 Q. Okay. So we covered two occasions where you
5 paid money back and one occasion where you allege they
6 wanted you to pay money back but your employment stopped
7 and you didn't pay it back, correct?

8 A. Yes, that's correct.

9 Q. Were there any other instances of your being
10 required to pay back contested credit card charges in
11 cash?

12 A. Me personally, no.

13 MR. VAN HUFF: We're almost done, by the
14 way.

15 MR. SHELLIST: This is like a dentist
16 visit for you. You just want it to be over, no matter
17 how nice the dentist is.

18 MR. VAN HUFF: Pass the witness.

19 E X A M I N A T I O N

20 BY MR. SHELLIST:

21 Q. I just have one question for you.

22 With respect to the 5 percent that's
23 deducted from the tips, did that apply -- let me go
24 back. I have more than one question, but I'm going to
25 make it very quick.

1 Did this 5 percent out of the credit card
2 tips to the house, did that apply to the waitresses and
3 the bartenders?

4 A. Yes. As far as I know, it did.

5 Q. And then the \$5 credit card dance, was that
6 something that was required by the club?

7 A. The club required the customer to pay \$5 extra
8 per dance.

9 Q. To the house?

10 A. To the house on credit card.

11 Q. And with respect to charge-backs, the things
12 you discussed with Mr. Van Huff about charge-backs,
13 walked tabs and spillage, were those practices applied
14 or those -- let me go back.

15 Would you consider those to be policies
16 that were applied by the club, or would you call them
17 something else?

18 A. I would consider them policies.

19 Q. Now, whether you had one charge-back or 20
20 charge-backs as a waitress, would the policy to pay back
21 a charge-back still apply?

22 A. It would apply across the board, from what I
23 understood --

24 MR. VAN HUFF: Objection; speculation.

25 A. -- from what I have seen and heard.

Page 50

Page 52

1 ERRATA SHEET

2 DEPOSITION OF: RACHAEL FREEDMAN, MAY 13, 2010

3
4 PAGE LINE CHANGE REASON
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25 Signature: _____ Date: _____1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 SOUTHERN DISTRICT OF TEXAS
3 HOUSTON DIVISION
3 LAURA McKNIGHT, TRISHA *
4 TURNER, ANDREW BAKER, *
4 RACHAEL FREEDMAN, KIMBERLY *
5 McCRAY, and MARGO MORENO, *
5 *
6 Plaintiffs, *
6 *
7 V. * Civil Action No. H-09-3345
7 *
8 D. HOUSTON, INC. D/B/A *
8 TREASURES, A.H.D. HOUSTON, *
9 INC. D/B/A CENTERFOLDS, *
9 D N.W. HOUSTON, INC. D/B/A *
10 GOLD CUP, D. RANKIN, INC. *
10 D/B/A TROPHY CLUB, D WG FM, *
11 INC. D/B/A SPLENDOR, W.L. * Jury Trial Demanded
11 YORK, INC. D/B/A COVER *
12 GIRLS, AND, IN THEIR *
12 INDIVIDUAL CAPACITIES, ALI *
13 DAVARI and HASSAN DAVARI, *
13 *
14 Defendants. *
14 *
15 REPORTER'S CERTIFICATION
16 ORAL DEPOSITION OF
16 RACHAEL FREEDMAN
17 MAY 13, 201018 I, CONNIE KOENIG, RPR, Certified Shorthand
19 Reporter in and for the State of Texas, hereby certify
20 to the following:21 That the witness, RACHAEL FREEDMAN, was duly
22 sworn by the officer and that the transcript of the oral
23 deposition is a true record of the testimony given by
24 the witness;

25 That the deposition transcript was submitted on

Page 51

Page 53

1 I, RACHAEL FREEDMAN, have read the foregoing
2 deposition and hereby affix my signature that same is
3 true and correct, except as noted above.

8 RACHAEL FREEDMAN

9 THE STATE OF _____
10 COUNTY OF _____11 Before me, _____, on this day
12 personally appeared RACHAEL FREEDMAN, known to me (or
13 proved to me under oath or through _____)
14 (description of identity card or other document) to be
15 the person whose name is subscribed to the foregoing
16 instrument and acknowledged to me that they executed the
17 same for the purposes and consideration therein
18 expressed.19 Given under my hand and seal of office this
20 _____ day of _____, _____.23 NOTARY PUBLIC IN AND FOR
24 THE STATE OF _____1 _____, 2010 to the witness or to the attorney
2 for the witness for examination, signature and return to
3 the offices of Q & A Reporting, Inc., by
4 _____, 2010;5 That pursuant to information given to the
6 deposition officer at the time said testimony was taken,
7 the following includes counsel for all parties of
8 record:9 MARTIN A. SHELLIST, Attorney for Plaintiffs
10 ALBERT VAN HUFF, Attorney for Defendants11 I further certify that I am neither counsel for,
12 related to, nor employed by any of the parties or
13 attorneys in the action in which this proceeding was
14 taken, and further that I am not financially or
15 otherwise interested in the outcome of the action.16 Further certification requirements pursuant to
17 Federal Rules of Civil Procedure will be certified to
18 after they have occurred.19 SWORN TO AND SUBSCRIBED by me in Houston, Texas
20 on this _____ day of _____, 2010.22 CONNIE KOENIG, RPR, CSR
23 Expiration Date: 12/31/10
23 Firm Registration No. 402
24 Q & A Reporting, Inc.
24 10220 Memorial Drive
25 Suite 22
25 Houston, Texas 77024

Page 54

1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 SOUTHERN DISTRICT OF TEXAS
3 HOUSTON DIVISION
4 LAURA McKNIGHT, TRISHA *
5 TURNER, ANDREW BAKER, *
6 RACHAEL FREEDMAN, KIMBERLY *
7 McCRAY, and MARGO MORENO, *
8 *

Plaintiffs, *

9 V. * Civil Action No. H-09-3345
10 *

D. HOUSTON, INC. D/B/A *
11 TREASURES, A.H.D. HOUSTON, *
12 INC. D/B/A CENTERFOLDS, *
13 D N.W. HOUSTON, INC. D/B/A *
14 GOLD CUP, D. RANKIN, INC. *
15 D/B/A TROPHY CLUB, D WG FM, *
16 INC. D/B/A SPLENDOR, W.L. * Jury Trial Demanded
17 YORK, INC. D/B/A COVER *
18 GIRLS, AND, IN THEIR *
19 INDIVIDUAL CAPACITIES, ALI *
20 DAVARI and HASSAN DAVARI, *
21 *

Defendants. *

22 *

23 REPORTING FIRM'S FURTHER CERTIFICATION

24 The original deposition was/was not returned to the
25 deposition officer on _____;
If returned, the attached Changes and Signature page
contains any changes and the reasons therefor;
If returned, the original deposition was delivered
to Albert Van Huff, Custodial Attorney, for safekeeping
on _____;
That a copy of this certificate was served on all
parties shown herein.

Page 55

1 Certified to by me this _____, 2010.
2
3
4
5
6

7 CONNIE KOENIG, RPR, CSR
8 Expiration Date: 12/31/10
9 Firm Registration No. 402
Q & A Reporting, Inc.
10 10220 Memorial Drive
Suite 22
Houston, Texas 77024
(713) 467-7900 / Fax (713) 467-7911
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

| | | | | |
|--|---|--|--|--|
| A ability 27:16 able 22:19 24:13 above-styled 1:19 absorb 45:24 account 44:19 accurate 8:16 acknowledge 39:8 42:13 acknowledged 51:16 acknowledges 34:15 action 1:6 52:6 53:13,15 54:6 actual 18:4 26:23 add 7:20 40:3 42:21 adding 5:25 17:13 additional 36:13 40:16 address 12:6 35:11 Adler 9:8 admit 42:7 advantage 39:10 advertise 31:13,15 31:16 32:13 advertisement 31:14 33:3,19 advertising 33:10 34:2 affect 29:3 affix 51:2 afternoon 4:10 aggressive 43:8 ago 13:8 20:17 40:1 40:2 ahead 9:23 39:9,14 Aki 43:2 AI 4:10 Albert 2:9 53:10 54:22 Alexander 20:13 ALI 1:12 52:12 54:12 allegation 34:19 35:25 36:7,9,15 38:1 41:13 allegations 4:17 | 45:13,17,21 allege 37:13 47:5 alleging 21:13 29:2 allowed 17:2 allows 9:8 amount 15:5 16:10 16:12,13 25:2 27:3 38:3 39:20 amounts 6:3 Andrew 1:3 44:22 52:3 54:3 answer 5:4,15 7:6,8 7:9 9:1,22 40:24 40:25 42:20 answers 4:17 5:1,2 15:13 33:7 Antoine 20:13 anxious 41:5 anybody 44:14 anymore 24:19 anyway 39:21 40:13 apologize 46:21 apparently 19:14 23:23 Appearances 3:2 appeared 51:12 applied 48:13,16 49:3 apply 47:23 48:2 48:21,22 approaching 23:9 approximately 16:17 27:12 area 26:4 argumentative 8:25 9:13,16 arrested 11:10 aside 26:15 30:20 39:11 asked 5:10,19 6:12 13:23 14:1,3,17 14:23 16:11 26:10 beginning 6:10 27:19 36:18 believe 5:19 33:20 34:5 38:14 benefit 38:20 best 9:22 27:15 32:25 42:21 big 22:12 | 46:2 54:19 attitude 9:16 attorney 2:14 4:11 7:22 45:1 53:1,9 53:10 54:22 attorneys 53:13 average 27:24 aware 17:15 41:13 43:23 A.H.D 1:8 34:9 52:8 54:8 | Bill 13:17 15:1 16:25 17:9 25:24 30:4,6,7 43:3 49:8 blank 18:13 board 48:22 bookkeeper 29:14 bookstore 32:2 borrowed 34:5 bottle 12:13 brief 45:10 bring 14:21 brought 23:12 brown 18:22 Building 1:21 2:5 bunch 42:22 business 34:24 35:4 35:8 36:2,9,14 buy 33:4,5 40:12 bye 45:11 | care 12:12 careful 15:14 case 4:13,20 19:3 21:19 29:2,8,14 30:21 31:3 42:17 cash 12:1 19:22,25 22:23,25 23:7,10 23:13,18 24:4,4 24:11 26:1,2,23 40:5 46:4 47:11 category 37:18 cause 1:19 39:19 Centerfolds 1:8 9:25 19:1 20:5 bunch 42:22 business 34:24 35:4 34:7,11,24 35:4 52:8 54:8 certain 33:12,17 certificate 3:8 54:24 certification 52:15 53:16 54:15 certified 52:18 53:17 55:1 certify 52:19 53:11 CHANGE 50:4 changes 3:7 54:19 54:20 charge 19:15 22:19 23:4 35:3 charged 5:20 15:5 charges 13:25 14:14 16:8,9 46:4 46:24 47:10 charge-back 28:10 48:19,21 charge-backs 22:6 25:5,7 28:24 29:1 48:11,12,20 check 26:2 29:23 29:24 checks 7:13 circumstances 11:19 15:2,4 Civil 1:6,22 52:6 53:17 54:6 claim 22:9 29:15 30:24 31:6 38:11 claimed 14:10,11 |
|--|---|--|--|--|

| | | | | |
|---|--|--|---|--|
| 38:9 claiming 7:18 9:6 9:24 10:2,5,8,11 10:14 15:6 22:7,8 25:6 26:16 43:15 claims 30:21,22 class 4:19 46:3 close 12:13 31:10 closing 22:21 club 1:10 6:23 10:6 14:12,13,22 19:9 19:16 20:1 28:11 30:25 33:1 34:15 41:18 45:17,21 48:6,7,16 52:10 54:10 clubs 4:12 12:15 19:3 20:6 30:24 31:6,9,10,14 32:12,16 34:19,25 35:5 36:1 club's 22:12 cocktail 10:22 12:11 collect 43:18 Colorado 12:17,18 13:2 come 13:18 14:13 14:17 17:9 24:10 24:24 26:25 37:12 comes 8:22 comment 49:11 commercial 9:9 common 33:18 43:24 compensated 6:19 6:20 8:6 11:24 compensation 49:9 complain 30:3 49:8 complained 30:4,5 39:3 complaining 37:7 49:15 complaint 20:23 49:12 concerned 28:12 concluded 49:19 conference 44:2 conforms 46:7 | confuses 39:23 confusing 40:3 Connie 1:20 52:18 53:22 55:7 consider 48:15,18 considerable 15:5 consideration 51:17 consists 4:16 constitute 36:2 contact 18:14 24:14 contains 54:20 content 44:4 contested 46:4,24 47:10 controversy 17:12 convicted 11:14 copy 3:10 46:11 54:24 correct 5:12 7:14 12:5 16:1 17:19 22:7 26:12 34:8 38:18,21 40:22 41:3,7,7 47:7,8 51:3 correctly 27:5 30:1 35:3 cost 45:24 counsel 53:7,11 COUNTY 51:10 couple 20:9,20 26:24 33:7 40:1 course 7:17 23:4 Court 1:1 4:24 52:1 54:1 cover 1:11 6:25 10:12 15:12 19:2 29:24 31:1 35:16 39:5 52:11 54:11 covered 36:12,22 36:24 37:1,3 47:4 covers 18:20 credit 6:18,23 12:1 12:12 14:11 15:18 15:20,21,24 17:6 19:8,15,23,24,25 22:6,19,20,20,23 23:1,2,3,6,10,13 23:18 24:3,11 | 25:5,7,12 26:16 28:10,24 29:1 36:22 38:3 40:7 46:4,24 47:10 48:1,5,10 CSR 1:20 53:22 55:7 Cup 1:9 10:3 19:1,2 19:5,12 20:2,7,16 30:25 32:17 35:17 52:9 54:9 current 12:6 Custodial 54:22 customer 13:24,25 14:10 15:20 17:6 19:5 20:8 25:13 48:7 customers 12:14 34:14 customer's 15:18 25:19 | D D 1:7,9,9,10 3:1 17:24 34:12 52:7 52:9,9,10 54:7,9,9 54:10 damages 25:6 39:19 dance 18:3 34:16 48:5,8 dancer 18:2 19:21 dancers 14:4 15:4 16:11,20 18:1 19:8,14,21 dances 19:21,22 34:15 dark 18:22,23 date 16:2 20:18 50:25 53:22 55:7 dates 10:17 Davari 1:12,12 25:17 27:7 32:16 35:5 52:12,12 54:12,12 David 25:15,16,25 26:3 David's 26:3 day 26:24 51:11,20 | Disturbing 11:13 DIVISION 1:2 52:2 54:2 document 41:24 42:7,13 46:9 51:14 documentary 45:12 45:16 documents 8:15,16 45:20 doing 15:13 dollar 25:2 33:5 dollars 16:15,19,23 22:3 28:6 door 19:18 43:4 drink 21:16 23:12 24:10 drinks 12:12 16:19 16:20 21:2,5,8 22:3,13,14,15,20 dentist 47:15,17 depending 43:13 depo 18:14 deposition 1:15,18 4:14 11:1 49:19 50:2 51:2 52:15 52:23,25 53:6 54:17,18,21 depositions 29:7 describe 32:25 description 18:18 18:21 51:14 Diego 13:5 difference 19:24 difficult 5:1 15:14 direction 9:18 directly 43:10 disappear 7:13 23:16,25 29:10 disappeared 22:21 discrepancy 37:15 37:17 discussed 43:21 48:12 disputed 25:13,24 26:22 disputing 16:3,9 DISTRICT 1:1,1 52:1,1 54:1,1 |
|---|--|--|---|--|

14:9 20:22 21:14
 37:8,14 47:6
enterprise 36:2,9
 36:14
entertainment 33:3
entire 12:3 21:18
 38:9
entitled 26:19
entrance 19:18
envelope 25:14
 26:1,2 27:2,7
ERRATA 50:1
evening 26:6
everybody 41:16
 43:23
evidence 45:12,16
exact 8:9 9:4 19:11
 20:18 22:2 25:23
 34:6
exactly 17:24 27:15
 29:18 32:22 34:13
 37:7
examination 3:5,6
 53:2
example 33:11
examples 32:19
executed 51:16
exhibit 41:22,24
 46:12
expenses 40:14
experience 20:7
 49:2
Expiration 53:22
 55:7
explain 25:11 42:5
explaining 17:5
explanation 12:24
expressed 51:18
extent 40:24
extra 19:7 48:7
eyes 18:22

F

Facebook 44:6,8,12
 44:17,19
fact 19:14 27:6
 39:18 42:14,24
facts 31:5 34:18
 36:8,13 41:12

fair 36:10 49:10
fairly 33:12,17
familiar 46:9
far 13:21 17:13
 19:13 28:12 48:4
 49:1
Fax 55:10
February 10:19
Federal 1:22 53:17
fee 19:18
feel 6:13,15,17,18
 6:20 9:18
fell 21:9
felt 6:12
filled 12:25
filling 23:16
financially 53:14
find 17:25 34:23
fine 15:25 18:18
finish 27:1
Firm 53:23 55:8
FIRM'S 54:15
first 4:7 17:25
 22:22 23:9,11
 24:4 25:22 27:3
 41:25 42:6
fit 39:11
five 19:2 24:20
floor 21:9
FM 1:10 52:10
 54:10
following 52:20
 53:7
follows 4:7
foregoing 51:1,15
form 5:14 7:7 9:10
 31:6 35:10 40:2
 40:23
formal 49:12
forms 38:7
forth 32:18
found 32:10
four 28:2,3 29:22
 37:9
fourth 28:4
fraudulently 14:12
free 33:4,6

Freedman 1:4,16
 1:18 3:4 4:6,10
 41:22 50:2 51:1,8
 51:12 52:4,16,21
 54:4
Freeman 17:22
 25:20 28:8
friend 19:21,22
friends 20:11,12
 44:8,12,14,14
 45:8
front 34:22 43:4,17
functions 35:4
funny 9:11,14
further 53:11,14,16
 54:15

G

Galveston 12:23
generally 11:18
getting 29:11,20
 38:16
girl 18:12 33:2
girls 1:11 10:12
 19:2,8 28:21 31:1
 35:16 52:11 54:11
give 6:14 13:19
 14:17 25:14 26:23
 41:20
given 11:1 41:18
 51:19 52:23 53:5
Glenda 35:2,6
go 9:17,22,23 13:3
 20:15 21:7 22:13
 24:10,19 25:21
 35:18 36:13,18
 37:16 44:4 47:23
 48:14 49:5
goes 44:20 49:2
going 4:16,24 5:5,9
 7:20 12:22 16:3
 16:10,24 22:23
 23:10,18 25:18
 26:25 36:17 39:1
 39:24 41:23,25
 42:3 47:24
Gold 1:9 10:2 19:1
 19:4,12 20:2,7,16
 30:25 32:17 35:17

52:9 54:9
Good 4:10
government 40:18
greeting 24:4
gross 38:4 40:22
group 22:11
guess 41:4 42:11,12
guy 20:13 24:18

H

H 3:9
habit 25:10
hair 18:22,23
half 17:3 29:19
half-black 18:11
half-white 18:11
hand 41:23,25 43:5
 46:11 51:19
happen 25:18
 32:19
happened 13:15
 21:15,17 25:17
 28:7,8
hard 15:15
HASSAN 1:12
 52:12 54:12
head 17:23
heard 34:1 48:25
hereto 1:23
hi 45:10
high 27:23
highlighting 33:2
hired 13:3 42:9
hold 9:21 26:20
Honestly 40:2
hotel 11:20
hour 6:19 12:2,3
hours 6:19 7:11,18
 7:19,21,24 8:7,11
 8:13,14,18 9:2
 10:23 11:21 29:4
 29:12,15 36:24
 37:16 45:13
hour-and-a-half
 4:15

house 48:2,9,10
Houston 1:2,7,8,9
 1:22 2:6,11,15
 12:7 31:20,22

32:7 34:11,12
 52:2,7,8,9 53:19
 53:25 54:2,7,8,9
 55:10
Huff 2:9,10 3:5 4:9
 4:11 5:17 7:10
 9:5,15,24 12:24
 18:16,20,24 30:15
 30:19,20 33:17
 36:21 41:2,23
 42:4,6,23 44:6
 46:16,19,23 47:13
 47:18 48:12,24
 49:18 53:10 54:22
hundred 16:19
H-09-3345 1:6 52:6
 54:6

I

ice 24:20
ID 15:21
idea 42:2
identity 51:14
impression 17:16
incident 17:5 21:12
 28:9
incidents 28:9
included 37:20
includes 53:7
including 37:24
 38:3
income 35:10 38:4
 38:7 40:17,22
 41:2,3
incorrect 7:16
indicates 13:1
individual 1:12
 14:11 17:21 30:21
 52:12 54:12
individuals 4:12
 20:15 22:18
industry 31:25 32:1
 32:24,25
information 12:25
 18:14 53:5
initially 37:6
instance 1:19 26:17
instances 21:10
 26:6,13,20 28:17

| | | | | |
|--|---|--|--|--|
| 29:9,10 47:9 instruct 24:2 instructed 25:12 instrument 51:16 integrated 36:2,14 intentionally 29:13 interest 39:12,13 39:14 interested 53:15 International 1:21 2:5 interrelationship 31:10 interrogatories 4:18 intertwined 31:11 involved 19:3 23:15 IRS 38:16,21 39:9 39:13,14 issue 17:16 29:19 29:20 36:24 37:1 37:3 38:25 43:21 issues 28:9,25 items 37:9 | 18:25 19:4 22:2 22:23 28:12,21 30:9 31:5 33:25 34:18 35:16 38:7 39:22 40:1,24 41:1 42:4 43:2 44:11 45:12 48:4 knowledge 20:4 35:20 49:2 known 51:12 knows 7:22 Koenig 1:20 52:18 53:22 55:7 | lose 5:23 13:18,23 14:25 17:1,10 lost 24:14 lot 7:12 14:1 24:17 loud 11:20 L.L.P 1:21 2:4 M M 2:13 4:8 47:19 magazine 32:1,14 32:22,25 magazines 31:17 31:24 32:8 33:22 majority 21:24 making 4:25 manager 14:24 23:5 30:8 35:8 41:21 43:16 managers 38:24 41:5,9,11,15 42:15,24 43:11,19 43:22 Margo 1:4 44:11 44:14 45:4,6 52:4 54:4 mark 46:12 marked 41:22 marking 41:24 MARTIN 2:3 53:9 Marty 6:14 7:20 9:16 44:2 matched 15:20 matching 15:21 matter 47:16 maximum 9:8 McCRAY 1:4 45:2 52:4 54:4 McKNIGHT 1:3 6:9 44:11 52:3 54:3 mean 18:17 19:13 22:4 24:16 28:1 35:15 41:1 42:19 Meaning 49:4 meant 19:17 meeting 23:22 members 4:20 46:3 Memorial 53:24 55:9 | mentioned 27:2 28:17 method 1:21 Michelle 18:5 midnight 26:5 Miller 24:18,18 mind 8:23 36:8 37:13 mine 25:10 minute 28:18 33:10 minutes 24:21 missing 7:12 29:23 mistake 29:13 mixed 24:23 mold 19:11 Monday 13:17 money 5:21 7:4,5 9:5 15:5 21:6 25:25 26:1,23 38:12,20,22 39:5 39:10,12,14,20 40:9,16 41:17 43:18 47:5,6 Monshaugen 2:10 month 24:25 25:4 28:23 29:15 months 29:18 Moreno 1:4 44:12 45:4 52:4 54:4 motion 4:19 46:3 moved 35:11 mutual 45:8 mystery 44:20 | 35:9 neither 53:11 Nevada 11:17 never 5:24 17:6 19:17 35:10 new 49:6 nice 47:17 nicely 36:20 nickname 30:13 night 23:5 26:4,19 27:24 28:4 40:13 41:17 43:5,14 45:9 nights 27:25 28:3 North 2:10 NOTARY 51:23 noted 51:3 notice 4:19 46:3 number 8:13,14 9:4 18:8 22:2 numbered 1:19 numbers 17:14,17 N.W 1:9 52:9 54:9 |
| J | | | | O |
| Jester 12:7 Jim 9:8 Joe 14:24,24 30:5,7 49:8 John 30:5,6,7 49:9 joint 30:23 31:1,7,8 33:8 34:20 35:13 36:3,7 Judge 5:9 jury 1:10 5:9 52:10 54:10 | | | | O 4:8 47:19 oath 8:5 51:13 Object 5:14 7:7 9:10 40:23 Objection 8:24 48:24 Obtain 24:11 obtaining 23:19 occasion 25:22 46:5 46:25 47:5 occasions 25:17 28:24 43:3 47:4 occurred 21:13 27:13 53:18 office 26:3 34:24 35:4,8 51:19 officer 52:22 53:6 54:18 offices 53:3 oh 12:16 okay 4:20,24 5:5 7:10 8:22 9:2 14:9 15:17 16:5 18:16 19:6,10,13 |
| K | | | | |
| keep 18:17 keeping 15:16 Kevin 20:13 kidding 36:19 Kimberly 1:4 45:2 52:4 54:4 kind 31:25 49:12 kinds 33:1 knocked 21:4,6 know 5:8 6:4 7:21 8:20 9:2 18:7,8,21 | | | | |

| | | | | |
|--|--|--|---|--|
| 19:19 20:1,3 21:13 24:8 25:5 27:1 28:6,14,15 28:19 29:4,6 32:19,22 34:2,18 35:13,23 36:4,5 36:17 38:11 39:3 40:5,9 41:12 42:18 43:6 44:6 46:11,21 47:4 49:1,16 once 21:15 28:1 46:7 ones 4:3 21:9 33:22 43:7 one's 30:12 opened 17:18 22:18 opening 23:18 opposite 41:10 oral 1:15,18 52:15 52:22 order 23:12,15,17 23:20 24:10,15,17 26:2 orders 24:21 original 54:17,21 outcome 53:15 outside 8:18 owe 39:20 owed 22:1 owes 9:6 | patrons 23:9 24:14 pay 5:20,21 13:16 13:20 15:3 16:4,8 16:8,10,11,12,22 21:25 22:17,23,25 23:10,13 25:12,20 38:16 39:10,13,13 45:17,21 47:6,7 47:10 48:7,20 49:4 paycheck 12:1,2 paying 16:15 19:8 19:8,15 21:8 23:7 23:18 24:4 29:19 39:9 43:15,22 payment 23:19 24:11 25:25 payments 5:22 payroll 8:15,16 peace 11:13 people 12:13 18:24 20:3 22:11 23:21 23:24 24:17 28:22 29:11 35:21 perceive 23:21 perceived 23:14 29:11 percent 6:17,23 7:5 15:25 26:15 36:21 37:25 38:2,23,23 40:7 41:15,18,19 41:20 42:15 43:16 47:22 48:1 percentage 43:22 period 13:10 29:24 38:19 39:10 person 24:16 26:7 27:9 39:22,23 51:15 personally 31:5 41:13 44:19 47:12 51:12 phone 17:4 18:8 place 19:13 placed 24:15 places 32:10 plaintiff 11:3 Plaintiffs 1:5 2:2 31:3 44:9 52:5 | 53:9 54:5 please 21:1 22:10 25:11,22 pocket 22:15 point 26:11 49:15 policies 18:25 20:4 48:15,18 49:9 policy 3:10 23:8 41:8,11 42:14 48:20 position 10:21 positive 27:15 33:21 possibility 8:11,18 pounds 5:23 13:18 13:23 14:25 17:1 17:10 practice 43:24 practices 19:1 48:13 Press 31:20,22 32:7 pretty 22:12 33:13 price 19:24 probably 16:10 17:25 28:3 32:5 44:13 problem 37:22 problematic 26:7 Procedure 1:22 53:17 procedures 19:1 20:4 proceeding 53:13 process 4:16 produced 1:18 properly 25:1 proposition 23:24 proved 51:13 provisions 1:23 PUBLIC 51:23 publications 31:19 purchase 49:6 purposes 51:17 pursuant 1:22 53:5 53:16 put 25:14,25 39:11 putting 37:23 P.C 2:10 p.m 1:20,20 49:19 | Q Quest 31:21,23 32:22 33:11,18,20 question 5:4,4,8,10 7:6,9 8:17 9:22 31:2,3 33:8,16 42:20 47:21,24 questions 4:25 5:1 7:1 9:1 15:13 quick 47:25 quit 13:13 45:7 quite 32:23 | 37:14 39:4 repay 26:11 27:4 report 40:10,16 41:2 reported 1:21 40:8 40:17 Reporter 4:1,4,24 52:19 Reporter's 3:8 52:15 reporting 40:5 53:3 53:23 54:15 55:8 represent 4:11 required 27:4 41:9 41:11 42:25 47:10 48:6,7 requirements 53:16 resell 24:16 Reserve 49:18 respect 47:22 48:11 responsible 16:15 21:8 39:17 restaurant 45:9 retained 6:23 return 38:15 40:16 53:2 returned 54:17,19 54:21 returns 40:20 Rick's 12:20 right 5:7 8:21 14:19 16:12,21 18:3 20:14 23:25 24:17 27:16 30:24 31:18 33:23 36:22 |
|--|--|--|---|--|

| | | | | |
|--|--|--|---|--|
| 37:4 39:15,21 40:4 41:9 46:12 rights 6:13,15 risk 23:21 risks 23:15 risky 23:23 Ritz 12:18,21,22 road 26:11 roughly 27:5 round 21:7 22:22 RPR 1:20 52:18 53:22 55:7 Rules 1:22 53:17 run 26:22 R-i-t-z 12:21 | sheets 34:4 Shellist 1:21 2:3,4 3:6 4:2,5 5:14 7:7 8:24 9:10,12,17 9:21 12:20 18:13 18:17 30:12,16 33:15 36:20 40:23 42:2,20 44:3 46:14,17 47:15,20 49:1,17 53:9 shift 15:23 26:8,18 29:21 35:17 43:12 shifts 30:2 short 13:2,10 18:11 shorted 7:18 29:16 Shorthand 52:18 shorthanded 35:19 shown 54:25 side 12:23 32:6 sign 4:5 34:14 signature 3:7 4:4 42:7,8,12 50:25 51:2 53:2 54:19 signed 3:10 4:18 15:23 42:9 signing 42:11 similar 35:25 36:3 single 36:2,9,14 sit 22:11 23:6 24:9 29:17 43:7 sitting 7:21 situations 27:2 six 21:2,17 30:24 31:6 36:1 slim 30:5,6,8,10,13 49:9 slips 19:16 solely 44:5 somebody 14:2,13 17:13 21:4 24:21 sorry 25:10 sounds 16:21 south 1:22 2:5 12:22,23 SOUTHERN 1:1 52:1 54:1 speaking 11:18 special 31:3 | speculation 48:24 spelled 17:24 spend 9:19 spill 21:22 spillage 6:20 20:23 21:10,20 22:1 37:1 45:18 48:13 49:2 spilled 49:5 Splendor 1:10 10:9 19:2 30:25 32:17 52:10 54:10 split 43:18 Spoas 13:6 Sports 13:4 stand 43:17 start 36:17 started 9:18 37:6 45:11 49:13 starting 24:3 State 1:20 51:9,23 52:19 stated 1:23 statement 14:17 15:10 STATES 1:1 52:1 54:1 stating 14:3 statistically 23:23 status 36:4 stenographic 1:21 step 33:16 stick 24:20 sticks 17:23 stipulations 3:3 4:1 4:2 stole 14:2 stop 5:17 stopped 5:19 17:2 43:4 45:10 47:6 strictly 35:20 strike 26:14 stripper 31:17 33:1 stuff 14:4 37:24 39:23,25 40:7 42:22 submitted 38:7 40:2 52:25 subscribed 51:15 | 53:19 subtracting 38:2 suffer 39:19 suffered 25:6 Suite 1:22 2:5,10 2:14 53:24 55:9 Sundowner 33:24 34:1 support 34:19 35:13 36:6,8,14 41:13 45:12,16,20 supposed 6:25 9:7 41:20 43:18 supposedly 25:13 sure 7:19 8:19 26:21 33:13,15 sworn 1:19 4:7 52:22 53:19 S-P-O-A-S 13:4 | 44:21 45:6 talking 17:13 19:20 21:11 33:9 37:6 37:12 tax 35:10 38:7,15 39:22,23 40:16,20 taxes 39:5,20 TC 12:7 TDL 12:9 tell 17:9 21:1 22:9 25:22 41:12 ten 7:24,25 9:3 terminated 5:13,16 13:14 14:7 testified 4:7 testimony 8:5 52:23 53:6 Texas 1:1,21,22 2:6 2:11,15 12:7 52:1 52:19 53:19,25 54:1 55:10 theory 31:9 36:3 therefor 54:20 thing 5:7 15:12 29:4 things 4:22 5:3 36:6,7,12 37:11 39:3 48:11 think 6:22 9:15 10:19 12:21 14:7 17:22 18:11,20 20:14,17 21:22 22:1 24:25 28:7,7 29:25 30:1 31:18 31:24 32:7,24 33:5,6,13,23 34:1 35:2,11,15 36:8 37:11,19 38:18 40:2 45:7,8,11 46:12 third 25:18 thought 41:6 46:20 thousand 8:3,4,6 8:11,17 16:15,22 22:3,5 28:5,6 thousand-dollar 28:2 three 5:22 16:24 21:25 28:3 29:22 |
|--|--|--|---|--|

| | | | | |
|---------------------------|----------------------------|----------------------------|----------------------------|--------------------------|
| 40:1 43:13 | 52:22,25 | unfair 49:10 | waitresses 23:8 | Wish 30:15 |
| three-quarters | tray 21:4,13 | unhappy 37:19 | 41:8 43:1 48:2 | withheld 26:16 |
| 47:1 | Treasures 1:8 3:10 | UNITED 1:1 52:1 | 49:3 | withholding 38:12 |
| Thursday 13:17 | 4:11 5:13,16,18 | 54:1 | walk 43:9 | witness 1:19 9:11 |
| ticket 21:22 | 6:6 9:6 10:15,18 | unlawful 6:22 7:3 | walked 6:20 22:6 | 9:14,20 11:8 |
| time 5:21 6:8 7:12 | 10:21 11:22 13:1 | unlawfully 26:16 | 22:10 25:1 28:23 | 12:21 18:23 47:18 |
| 9:19 11:11,24 | 13:13 14:10 16:6 | 37:13 | 29:1 37:3 45:21 | 49:17 52:21,24 |
| 12:3 13:2,11,20 | 17:7 19:3,9,11 | unpaid 36:24 37:16 | 45:24 48:13 | 53:1,2 |
| 15:15 18:9 20:8 | 20:19,21 21:14 | unreported 40:22 | want 16:14 18:17 | word 8:8 |
| 21:18,24 23:10 | 29:2 30:22,25 | 41:3 | 22:25 23:13 27:14 | work 5:24 10:23 |
| 24:12 25:18 29:9 | 32:5,9,12,17 34:5 | unusual 27:22 28:1 | 11:21 12:18 13:18 | 11:21 12:18 13:18 |
| 29:12,16,20,24 | 34:12 35:18 37:8 | updated 35:12 | 17:2,9 35:16,17 | 17:2,9 35:16,17 |
| 33:21 34:4,21 | 37:13 40:6 41:8 | upset 6:12 | 40:13 | 40:13 |
| 37:20 39:9,14 | 41:11 42:10,14 | upstairs 26:3 | worked 6:19 8:13 | 40:13 |
| 45:6 46:5,25 53:6 | 46:5,25 52:8 54:8 | use 39:10 | 11:25 12:3,15 | 45:14 46:5,25 |
| times 7:12 20:9,20 | treated 31:11 | usually 16:18 21:21 | 13:1,1,10 21:18 | working 7:11 14:5 |
| 21:22,25 34:22 | trial 1:10 49:18 | 22:22 40:12 43:11 | 16:7 17:2 45:7,10 | 16:7 17:2 45:7,10 |
| tip 6:3 7:2 15:24 | 52:10 54:10 | 43:13 | way 6:14 9:18 | works 43:3 |
| 26:8 28:2 38:24 | Trisha 1:3 43:25 | V | 13:15 19:13 21:4 | worried 28:14 |
| 41:9,11,15,16 | 52:3 54:3 | Van 2:9,10 3:5 4:9 | 24:9 32:25 39:9 | worth 22:3 |
| 43:8 | Trophy 1:10 10:6 | 4:11 5:17 7:10 | 39:24 47:1,14 | wouldn't 23:17 |
| tipout 43:4 | 19:2 30:25 52:10 | 9:5,15,24 12:24 | 31:21 | 31:21 |
| tipped 37:25 38:23 | 54:10 | 18:16,20,24 30:15 | write 13:22,23 14:1 | 14:3,8 17:5 |
| tipping 3:10 42:15 | true 8:10,17 51:3 | 30:19,20 33:17 | wrote 17:7 | |
| 42:23 | 52:23 | 36:21 41:2,23 | W-2 7:16 34:21 | 37:15,16,22 38:4 |
| tips 6:24 12:1,1 | trying 15:13 34:21 | 42:4,6,23 44:6 | 39:4 40:17 | 39:4 40:17 |
| 26:18 27:22 28:10 | Turner 1:3 43:25 | 46:16,19,23 47:13 | W.L 1:10 52:10 | 54:10 |
| 36:22 38:3 40:5 | 52:3 54:3 | 47:18 48:12,24 | X | |
| 43:22 47:23 48:2 | twice 46:6 | 49:18 53:10 54:22 | X 3:1,9 4:8 47:19 | |
| today 4:14 7:1,22 | two 12:19 14:5 15:4 | varied 21:17 | Y | |
| 8:5 9:14 13:20 | 16:24 17:3 21:21 | Vegas 11:17,17 | yeah 12:16 15:9,11 | |
| told 5:20 6:12 | 21:24 25:17 27:1 | victim 25:6 | 22:4 30:4,11 | |
| 13:16,17,19,22 | 29:25 30:1,2 33:6 | violated 6:13,16 | 32:11 33:13 34:10 | |
| 14:25 16:2 17:1 | 43:13 47:4 49:11 | VIP 26:4 | 35:2 42:8 46:16 | |
| 18:24 20:3 24:6 | two-hour 4:15 | visit 28:18 29:4 | 46:19 | |
| 25:14,19,24 34:23 | type 14:21 | 47:16 | year 20:17 38:9,18 | |
| 35:8,21 39:23 | U | Volume 1:17 | 38:19 39:6,21 | |
| 41:14 42:23 | uh-huh 4:21 5:2,5 | voluntary 42:15,24 | 40:15 | |
| top 34:7 | 12:10 16:5 22:8 | W | years 40:1,2 | |
| topless 12:15 13:9 | 25:8 | wage 37:16 | yes-or-no 5:4 | |
| 16:20 31:25 33:3 | uh-uh 5:2,5 | wages 38:13 | YORK 1:11 52:11 | |
| total 15:6 22:25 | understand 5:8,11 | wait 9:21 12:14 | 54:11 | |
| 23:13 | 5:12 32:23 39:2 | 22:13 | | |
| Total's 24:11 | understanding | waited 13:25 | | |
| track 15:16 | 13:12,16 29:8 | waiting 43:7 | | |
| trained 24:6 41:14 | 35:6 | waitress 10:22 | | |
| 43:2 | understood 5:10 | 12:11 14:16 48:20 | | |
| transcribe 5:2 | 48:23 | | | |
| transcript 4:25 | | | | |

| | | | |
|--|--|--|--|
| y'all 6:11 9:18 | 13:18,23 14:25 17:1,10 23:22 48:19 200 2:14 2006 10:19 27:13 2007 27:14 28:7 2008 28:8 2010 1:16,20 50:2 52:16 53:1,4,20 55:1 22 53:24 55:9 227 12:7 24028183 2:9 26 10:25 | 713/880-2992 2:11 77008 2:11 12:8 77024 53:25 55:10 77027 1:22 2:6,15 | |
| \$ | | 9 | |
| \$1,000 16:20 27:5,6 \$10 21:2 \$150 28:23 \$2,000 16:20 \$20 19:22 40:8,9 \$25 19:15,17,23 34:16 \$5 19:7,15,17 48:5 48:7 \$50 22:25 24:11 \$500 27:25 \$68 38:8 \$800 38:18 | 90 26:21 95 40:7 | | |
| 0 | | 3 | |
| 00786487 2:4 06 10:19 08 10:20 27:19 | 4 3:3,5 4:09 1:20 49:19 40 10:25 11:21 400 28:3 402 53:23 55:8 41 3:10 45 12:22 467-7900 55:10 467-7911 55:10 47 3:6 | | |
| 1 | | 5 | |
| 1 1:17 3:10 41:22 41:24 1,000 27:21 10 41:15,20 43:16 100 25:4 42:15 10220 53:24 55:9 12/31/10 53:22 55:7 1200 27:21,21 28:7 1225 2:10 13 1:16,20 50:2 52:16 15 38:23 41:19 150 25:4 1640 12:7 18032100 2:13 18322276 12:9 1900 1:21 2:5 1910 1:22 2:5 | 5 6:17,23 7:5 15:25 26:15 36:21 37:25 38:2,23 41:18 47:22 48:1 50 3:7 500 22:4 28:4 52 3:8 | | |
| 2 | | 6 | |
| 2 3:2 2.13 12:2,3 20 5:23 8:1,2 9:3 | 640 2:10 6577 1:20 | | |
| 7 | | | |
| | 713 55:10,10 713/278-9398 2:15 713/621-2277 2:6 | | |